

Fresno, California

April 7, 2011

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember
	Andreas Borgeas	Councilmember
	Clinton Olivier	Acting Council President
	Sal Quintero	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Councilmember
	Lee Brand	Council President

Mark Scott, City Manager
Bruce Rudd, Assistant City Manager
David Hale, Chief Assistant City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Ryan Davis of Valley Christian Center gave the invocation and Councilmember Borgeas led the Pledge of Allegiance.

President Brand extended "Happy Birthday" wishes to Assistant City Clerk Salazar.

PRESENTATION OF THE SPCA PET OF THE MONTH – COUNCILMEMBER XIONG

Presented.

PRESENTATION OF CERTIFICATES TO STUDENT AMBASSADORS GOING TO SISTER CITY MUNSTER, GERMANY FOR THE SUMMER OF 2011 – COUNCILMEMBER WESTERLUND

Presented.

PROCLAMATION OF "PUBLIC SAFETY TELECOMMUNICATIONS WEEK"

Read and presented.

PRESENTATION OF "PRIME TIME FOR BUSINESS: NCAPSUL"

Presentation made.

ADD-ON: PROCLAMATION OF "ROGER SILVA AND JERRY STOCKDALE DAY" – ACTING PRESIDENT OLIVIER

Read and presented.

APPROVE MINUTES OF MARCH 31, 2011

On motion of Councilmember Quintero, seconded by President Brand, duly carried, RESOLVED, the minutes of March 31, 2011, approved a submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) requested the Controller and Budget Director attend today's closed session; (2) advised some constituents stated they are willing to pay a company to do sidewalk repair work and questioned if that was possible or if the city had to do the work, with ACM Rudd stating staff would work with the city attorney's office and report back; (3) thanked City Manager Scott for working with the Tower Marketing Committee on the mobile vendor issue, with Mr. Scott stating a proposal was forthcoming; (4) requested a council workshop be scheduled on employee layoffs and impacts to services, with Mr. Scott responding; (5) thanked/congratulated Fremont elementary school, (2 – 0) Aviation Director Widmar for a job well done on the international flights, and Acting President Olivier for inviting him to the "AMVET We Care Day" event; (6) announced the Tower Classic Car Show would be held Saturday and encouraged Council to attend; and (7) advised he would be asking questions in closed session on the tray memo Council received, with City Attorney Hale stating that would be appropriate.

Councilmember Westerlund (1) commended Aviation Director Widmar and staff for AeroMexico and Volaris Airlines coming in; (2) announced the Mayor's Youth Job Fair would be held Saturday at Manchester Center; and (3) pursuant to AB 1234 reported on his attendance/meetings/discussions last week at the annual conference of the California Redevelopment Association which he attended on behalf of the RDA Board as Chair.

Councilmember Quintero (1) spoke to a memo received from Ray Arthur and thanked the Fresno Film Commission for landing a Toyota truck commercial; and (2) spoke to the grand opening of a 30-unit housing project for the physically disabled in southeast Fresno and thanked EAH and housing division staff for sticking with the project.

Acting President Olivier thanked staff who participated in his successful district meeting.

President Brand again mentioned the problem of copper theft from streetlights and reiterated the need to address streetlights that are out.

APPROVE AGENDA:

(1-A) APPROVE CONTRACT CHANGE ORDER NO. 9 FOR THE CITY HALL CHILLER REPLACEMENT PROJECT

Removed from the agenda by staff.

(1-E) APPROVE A ONE-YEAR AGREEMENT WITH BULLARD CAL RIPKEN FOR THE USE AND MAINTENANCE OF FIGARDEN LOOP PARK

Removed from the agenda by staff.

SCHEDULED COMMUNICATION – APPEARANCE BY MEMBERS OF THE FRESNO CONVENTION AND VISITORS BUREAU (CVB) TO DISCUSS THE IMPORTANCE OF BID MONIES TO BRING SPORTING EVENTS TO THE CITY

Request to appear withdrawn/to be rescheduled.

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Councilmember Xiong pulled Item **1-D** and Councilmember Westerlund pulled Item **1-F** from the Consent Calendar for separate discussion/action.

(1-B) RESOLUTION NO. 2011-58 – AUTHORIZING THE DIRECTOR OF AVIATION OR AUTHORIZED REPRESENTATIVE TO (1) EXECUTE ALL RELATED DOCUMENTATION FOR PRE-APPLICATION AND APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR AIRPORT IMPROVEMENT PROGRAM (AIP) GRANTS FOR FEDERAL FISCAL YEARS 2011 AND 2012 FOR BOTH THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) AND FRESNO CHANDLER EXECUTIVE AIRPORT (FCH), AND ACCEPT FAA AIP GRANTS FOR FY 2011 AND 2012 PROJECTS AT BOTH AIRPORTS INCLUDING ALL SUBSEQUENT AMENDMENTS THERETO OFFERED BY THE FAA; AND (2) APPLY FOR AND ACCEPT GRANTS AND ALL SUBSEQUENT AMENDMENTS THERETO OFFERED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION FOR MATCHING FUNDS SHOULD THEY BE MADE AVAILABLE ON FY 2011 AND 2012 FAA-APPROVED PROJECTS AT FRESNO CHANDLER EXECUTIVE AIRPORT

(1-C) RESOLUTION NO. 2011-59 – AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A GRANT AWARD FOR \$296,100 FROM THE FY 2010 CYCLE U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS
#1 RESOLUTION NO. 2011-60 – 80TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$236,900 FROM THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM TO THE FIRE DEPARTMENT TO PROVIDE TRAINING AND EQUIPMENT

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR:

(1-D) APPROVE A ONE-YEAR AGREEMENT WITH THE FRESNO SENIOR SOFTBALL LEAGUE FOR USE AND MAINTENANCE OF THE QUIGLEY SOFTBALL FIELD

Upon questions of Councilmember Xiong PARCS Administrative Manager Melikian confirmed the agreement was for \$3,000 and the money would be used for maintenance only at Quigley Park.

On motion of Councilmember Xiong, seconded by Acting President Olivier, duly carried, RESOLVED, a one-year agreement hereby approved with the Fresno Senior Softball League allowing priority access to the softball field at Quigley Park for games and practices in exchange for maintenance services and improvements to the Quigley Softball Field, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes : None
Absent : None

(1-F) APPROVE AMENDMENT NO. 1 TO THE DISPOSITION & DEVELOPMENT AND HOME (DDA/HOME) AGREEMENT WITH HABITAT FOR HUMANITY FRESNO, INC., GRANTING A TIME EXTENSION FOR COMPLETION OF TWO AFFORDABLE SINGLE-FAMILY HOMES ON E. GARRETT AVENUE

HCD Manager Casares and Tony Miranda with Habitat for Humanity responded to questions/concerns of Councilmember Westerlund and/or clarified issues relative to the time extension, reason for adding 18 months, what Habitat's level of capacity was, if Habitat could stagger six homes instead of four to speed up completion, and the homes being completed in 2013 and need to get homes on the market as soon as possible to meet the need.

Upon questions of Councilmember Baines Mr. Miranda confirmed (1) the primary reason for the delay was because Habitat stepped in and helped the City by inheriting an 11-unit subdivision and (2) the self-help build style was different from the normal build model. Councilmember Baines expressed his appreciation for what Habitat does and made a motion to approve staff's recommendation, which was seconded by Acting President Olivier. President Brand also commended Habitat for what they do and added he understood what was involved in staging development for houses.

On motion of Councilmember Baines, seconded by Acting President Olivier, duly carried, RESOLVED, Amendment No. 1 to the 2/11/10, Disposition & Development and HOME Agreement with Habitat for Humanity Fresno, Inc., granting a time extension from October 2011 to March 2013 for the completion of two affordable single-family homes at 4979 E. Garrett and 4983 E. Garrett hereby approved, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

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(9:15 A.M. #1-A) RESOLUTION NO. 2011-61 – AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AN AGREEMENT WITH READING AND BEYOND FOR OPERATION OF THE MOSQUEDA COMMUNITY CENTER, SUBJECT TO CITY ATTORNEY REVIEW AND APPROVAL

Community Recreation Supervisor Schaefer, along with Luis Santana, Executive Director of Reading & Beyond (R&B), and Pete Weber with Fresno Bridge Academy, reviewed the issue as contained in the staff report and expanded further on what R&B does/what services would be provided and the vision/purpose of the Fresno Bridge Academy and programs offered/provided.

Councilmember Quintero made a motion to adopt the resolution (which was seconded by Councilmember Baines), and spoke to how R&B is already a successful entity in his district, commended them for their great work, and stated he hoped this partnership becomes a model for other community centers not only in the city but throughout the country. Councilmember Xiong presented questions relative to the agreement model **(3 – 0)**, past \$1 agreements and if this was a shift to more of an in-kind agreement, type of capital improvements that could be made if funding becomes available, and if R&B would be in charge of leasing out space to other community groups, with ACM Rudd and Councilmember Quintero responding. Councilmember Westerlund spoke to non-profits having \$1 leases/contracts and acting as landlords for city buildings for a number of years but not having funds to make repairs when the need comes up, stated he felt non-profits needed to be asked to pay some amount of rent to go into a fund for maintenance or capital improvements, and upon his question Mr. Rudd and City Manager Scott explained how this agreement differed from other past arrangements. Mr. Santana stated he was aware of the cost issue, this was about choosing to have a center open or closed, and requested Council think about what non-profits offer and contribute, with Councilmember Westerlund responding. President Brand stated this was a great program that reached at-risk youth, and added as the City enters into new programs/contracts and funding comes back thought needed to be given again to contract compliance and management of programs.

On motion of Councilmember Quintero, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2011-61 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

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REGULAR MEETING OF THE CITY OF FRESNO CULTURAL ARTS PROPERTIES (COFCAP)

The City Council recessed at 10:23 a.m. and the COFCAP convened in regular session.

(‘A’) COFCAP RESOLUTION NO. 2 – AUTHORIZING THE AMENDING AND RESTATING OF THE ARTICLES OF INCORPORATION, ADOPTION OF A CONFLICT OF INTEREST POLICY, AND THE FILING OF FEDERAL AND STATE INCOME TAX EXEMPTION APPLICATIONS; PROVIDING FOR THE COFCAP TO OPERATE AS A 501(c)(3); AUTHORIZING THE AMENDING AND RESTATING OF THE BYLAWS; AND CHANGING THE COFCAP’S FISCAL YEAR END FROM JUNE TO DECEMBER

Members Westerlund and Brand made a motion/second to adopt the resolution. Deputy Manager Zieba responded to questions of Councilmember Xiong and COFCAP Member Westerlund relative to the 501(c)(3) entity, what the (c)(3) will allow for versus a (c)(4), financing benefit, if there were plans to go after different sources of funding in the future, status of CMAQ's move into the building, and the OPA for the properties and if there was anything that might hinder the sale of excess properties.

On motion of Member Westerlund, seconded by Member Brand, duly carried, RESOLVED, the above entitled COFCAP Resolution No. 2 hereby adopted, by the following vote:

Ayes	:	Brand, Westerlund
Noes	:	None
Absent	:	Swearengin

The COFCAP adjourned their meeting at 10:31 a.m. and the City Council reconvened in regular session.

(9:15 A.M. #1-B) AUTHORIZE SEPARATE AIRLINE OPERATING AGREEMENTS WITH AEROMEXICO AIRLINES AND VOLARIS AIRLINES, INCLUDING INCENTIVES UNDER THE CITY'S INTERNATIONAL AIRLINES INCENTIVES PROGRAM, AND AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE ALL NECESSARY DOCUMENTS

Aviation Director Widmar gave an in-depth review of the issue and key points, all as contained in the staff report as submitted.

Speaking in support of the agreements and/or related issues were: Barry Bedwell, President of the California Grape and Tree Fruit League; and Fred Ruiz, Chairman Emeritus and co-founder of Ruiz Foods in Dinuba.

Councilmember Westerlund congratulated and thanked Mr. Widmar and his staff, presented questions briefly on the incentive program and ability to meet the contributions for both airlines (with Mr. Widmar responding), stated he hoped both airlines succeed and **(4 -0)** elaborated further on the issue including ag protections, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Xiong. Acting President Olivier also commended Mr. Widmar for his hard work; stated hearing *subsidy* or *cash contributions* made his "ears perk up" and presented questions on the subsidies (with Mr. Widmar responding); and stated he hoped staff did not think he was disparaging any of their work by asking these questions adding there was no question this was very important for the valley and again thanked staff. Councilmember Xiong commended staff and thanked Mr. Ruiz and Mr. Bedwell for their supportive comments and the California Grape and Tree Fruit League for being proactive and supportive. Mr. Widmar responded to questions of Councilmember Borgeas and clarified issues relative to meaning of Fresno "having no choice", competition in attracting air service and the expectation for incentives/subsidies, if the airport would have lost both carriers without incentives, if there has ever been domestic or international service to Fresno where incentives were not received, if incentives were market standard, and the reliable rate of return. Councilmember Baines stated he was very sensitive to the subsidy conversation but it was not lost on the great job airport staff did on securing these airlines and commended staff. President Brand spoke to the subsidy concerns and expressed his support stating these arrangements were economically sound and getting two airlines was a major achievement. Councilmember Baines left the meeting at 11:14 a.m. Upon further question of Councilmember Borgeas Mr. Widmar stated if the airport sustains two international flights a day for one year he believed the airport would get Port of Entry status as it was a major expense and further explained.

On motion of Councilmember Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, the Airports Department authorized to enter into separate airline operating agreements with AeroMexico and Volaris Airlines, with each agreement covering that airline's lease of facilities in Fresno Yosemite International Airport's passenger terminal, and the use of FYI's airfield, Federal Inspection Station, and other facilities and equipment, including incentives under the City's International Airlines Incentives Program, subject to City Attorney approval as to form, by the following vote:

Ayes	:	Borgeas, Quintero, Westerlund, Xiong, Brand
Noes	:	Olivier
Absent	:	Baines

(9:15 A.M. #1-C) RESOLUTION NO. 2011-62 – AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A GRANT AWARD OF \$2,327,900 FROM THE FY 2010 CYCLE U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, AND AUTHORIZING THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

#1 RESOLUTION NO. 2011-63 – 81ST AMENDMENT TO AAR 2010-138 APPROPRIATING \$998,800 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM TO THE FIRE DEPARTMENT AND \$750,200 TO THE POLICE DEPARTMENT TO PROVIDE EQUIPMENT

Chief Aranaz reviewed the issue, all as contained in the staff report as submitted. Councilmember Baines returned to the meeting at 11:18 a.m. during the presentation.

Chief Aranaz, ACM Rudd and Information Services Manager Dottai responded to questions and/or comments of Councilmembers Westerlund, Xiong and Baines and/or clarified issues relative to how the system to be purchased fit with the UASI radio system, interoperability between dispatch centers countywide, ability to communicate with troops on the ground, project description/sites/coverage area/dead space, fiscal impact, participation of other agencies/benefit to other agencies/if other agencies have been approached to assist financially, if the equipment purchase was driven by the fire and police departments, if this was the alternative/strategy to the non-consolidation of city/county dispatch centers, system capacity, the budget/match funds/funding source, if this system will allow communication with the CHP, and importance of direct communication between responding agencies in emergency situations. President Brand spoke briefly to the issue of communication and agencies having separate software systems and expressed his support stating this was a big step in the right direction. **(5 – 0)** Mr. Rudd commended Mr. Dottai for his work stating on this issue the city probably would have spent thousands of dollars on a consultant agreement to bring the technology forward and added the city organization would not be where it was today technologically without all of Mr. Dottai's hard work and dedication

On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution Nos. 2011-62 and 2011-63 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

(9:15 A.M. #2-A) WORKSHOP/PRESENTATION BY THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (EOC) ON PROPOSED CUTS TO THE COMMUNITY SERVICE BLOCK GRANT (CSBG) AND IMPACTS ON THE CITY OF FRESNO – COUNCILMEMBER BAINES

Councilmember Baines stated as a police officer he had a great experience with the EOC and a great relationship with the Local Conservation Corps specifically, and stated Fresno County had the largest EOC in the nation, EOC provided outstanding services, and because EOC was under attack financially he wanted Council to hear more about what CSBG funds provide.

EOC Associate Executive Director Paul McLain played an ABC news video on government spending cuts; spoke in opposition to eliminating CDBG funds altogether, to people losing jobs/homes/health care/transportation/etc., to the need to promote greater personal responsibility, and to the need to have greater local control; read excerpts from a letter EOC prepared to President Obama, our U.S. Representatives and Senators that was signed on by the Mayor, Police Chief and County Board of Supervisors, among others, explaining what CSBG was/provides/how important it was to the city's constituents; and stated his focus was leveraging other federal and state resources to bring more service to Fresno and added he would appreciate any support to save CSBG.

Councilmember Baines thanked Mr. McLain for his presentation and advised next week he would bring forth an action item requesting Council to sign on to EOC's letter. Councilmember Xiong thanked Councilmember Baines for bringing this forth, stated he hoped politics could be pushed aside at the local level, and told Mr. McLain he would find strong support from Council in terms of the work done in human investment. Upon questions of Councilmember Westerlund Mr. McLain explained the difference between CSBG and CDBG, stated EOC's annual budget was approximately \$120 million and grants were \$160 million, and CSBG money was roughly \$1.7 million of their overall budget.

EOC Business Liaison Frank Franco advised EOC was in the process of forming some tours and Council would be invited to see what other programs are offered, and expanded further on how their energy program for low-income seniors and veterans would be affected. Mr. McLain and Mr. Franco were thanked for their presentation and there was no further discussion.

**(9:15 A.M. #2-B) CONSIDERATION OF THE RESERVE MANAGEMENT ACT (RMA) – PRESIDENT BRAND
#1 RESOLUTION NO. 2011-64 – ESTABLISHING THE RESERVE MANAGEMENT ACT TO INSTITUTE FORMAL
RESERVE POLICIES**

Noting Council was into the lunch hour President Brand stated he would open and then close public testimony and Council would break for lunch and return at 1:30 p.m. for deliberation and action.

Al Smith, President/CEO of the Greater Fresno Area Chamber of Commerce, stated the Chamber's Governmental Affairs Committee reviewed the details and voted unanimously in favor of the RMA, and spoke to how these policies were needed and might have helped the City survive and save jobs in this economic downtown had they been in place.

Upon call, no one else wished to be heard and Council recessed for lunch.

LUNCH RECESS – 12:08 P.M. – 1:35 P.M.

President Brand submitted written information to Council entitled "Side-by-Side Comparison of Existing and New Reserve Policies", a copy of which is on file in the City Clerk's Office, and relative to statements made previously about the RMA simply codifying existing policies pointed out his Side-by-Side comparison showed 90% of what he wrote was groundbreaking as there were no existing policies, except for the utility enterprise reserve.

Councilmember Westerlund thanked President Brand for the time and work he put into this; spoke to his review of the RMA and stated there were about three policies included that covered a lot of ground; upon his question President Brand stated the Council Audit & Finance Committee did not consider this or have public hearings on it; and stated this policy would not be implemented the day after tomorrow in terms of putting dollars into the reserve accounts, he absolutely felt this was the kind of thing the A/F committee was set up for, this needed to go before the committee along with public hearing(s) before Council takes action and elaborated, **(6 – 0)** and this was a complicated issue and made a motion to refer this matter to the committee for review and public hearing(s). Councilmember Baines seconded the motion stating he was supportive of having more discussion and was always sensitive to council members who want more time for review, and upon his questions Councilmember Westerlund (1) explained why the A/F committee (consisting of Members Brand, Westerlund and Xiong) was formed, (2) stated he expected this matter would come back to Council in about 30 days for a vote after going through the committee and hearing(s), and (3) stated a Council workshop could also be held if desired.

Councilmember Xiong thanked Council for the extra week given, stated Councilmember Westerlund made a good point in terms of the charge of the A/F committee and process, and stated unless some new information comes up he felt this was a very good policy as is and elaborated further on the process. Councilmember Quintero stated feedback from constituents was very important to him and reiterated one of his concerns was the restriction on allocating resources to increase services for constituents and he wanted to see more flexibility on that. President Brand responded to Councilmember Quintero's concern; spoke to past actions and how past councils blew millions of dollars; stated these were sound fiscal policies, he put a lot of time into this, and this had an automatic one year review; stated this matter already had two reviews and added no one would attend the committee hearing besides staff; and stressed this was done with experts, this was a good product, and urged Council approve the RMA this date to send a message to the community that they care and are good financial stewards, elaborating on his comments throughout. Councilmember Westerlund stated he appreciated President Brand's passion for putting sound policies in place and for supporting procedure and stressed Council needed to be true and start implementing its own procedure and use the committee for what it was designed for and elaborated further. Councilmember Xiong apologized to Councilmember Westerlund stating as a member of the A/F committee he should have raised the issue of referring this to the committee last week, and stated although he wholeheartedly agreed with the need to follow procedure he would keep the commitment he made to Council last week that he would be ready to vote today if Council supported his request for a one week delay. Councilmember Baines stated like other members he also supported this policy in principle although he had some of the same concerns as Councilmember Quintero, and stated he was a little torn as he was very much a procedure person, this sounded like something that should go to the committee, and he was inclined to support a committee review as process was what makes government work and democracy right and he was very sympathetic to that.

President Brand stated a presumption was being made that this automatically had to go the committee, agreed it was potentially appropriate, and upon his question City Attorney Hale stated referring this to the committee was at Council's discretion and explained.

(7 – 0) A motion of Councilmember Westerlund, seconded by Councilmember Baines, to refer this matter to the Council Audit/Finance Committee for review and public hearing(s) failed, by the following tie vote:

Ayes : Baines, Quintero, Westerlund
Noes : Olivier, Xiong, Brand
Absent : None
Abstain : Borgeas

Councilmember Borgeas stated he made a mistake and voted wrong, brief discussion ensued on whether a motion to reconsider was necessary, and City Attorney Hale stated with the mistake clearly identified Council could just revoke.

A motion of Councilmember Westerlund, seconded by Councilmember Baines, to refer this matter to the Council Audit/Finance Committee for review and public hearing(s) failed, by the following vote:

Ayes : Baines, Quintero, Westerlund
Noes : Borgeas, Olivier, Xiong, Brand
Absent : None

President Brand made a motion to adopt the resolution which was seconded by Councilmember Baines. President Brand and City Manager Scott responded to questions and comments of Councilmember Westerlund at length and/or clarified issues relating to reason for the numerous ADA reserve funds/if they were required by GASB 54/how much would be set aside, concern with the amount of detail on the numerous reserve funds, the fundamental question of whether reserve funds with taxpayer dollars were truly needed, concurrence on the need for an emergency reserve fund but concern with setting aside dollars that may not be used, intent of some definitions/if some if definitions change across the organization for the accounting fund, the unassigned fund balance, requirement for a reserve when certain parameters are met, need to add the word "shall" in #3 on Page 16 to be consistent with #1 and #2 (with President Brand accepting the amendment), non-expectation of the internal borrowing policy being a part of the reserve policy, grant versus non-grant funds, prior fiscal year expenditures and concern with holding vouchers over until sufficient appropriation authority is restored, Article VII/Committed General Fund Balance Reserve Policies and requirement for a super-majority vote being current policy, motivation for/intent of Section 1/Pg. 20, the 27th payroll, and Exhibit 'C'/Comparison of California Cities GF Reserve Policy. Councilmember Westerlund stated the city was years from funding this, if at all, and added he had some reservations because needed procedure was not utilized.

President Brand thanked Council for raising some good, legitimate questions and reiterated RMA called for a five-year review, policies were flexible, and Council had the option to make changes.

On motion of President Brand, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2011-64 hereby adopted, with the amendment to #3/Page 16 adding the words "shall be" as follows: "3. If the unassigned fund balance reserve is drawn down below 75% of the maximum of the range, then the budgetary plan to restore the reserve shall be to a level between 75% to 100% of the maximum over a five to seven year period", by the following vote:

Ayes : Baines, Borgeas, Olivier, Westerlund, Xiong, Brand
Noes : Quintero
Absent : None

UNSCHEDULED ORAL COMMUNICATIONS:

Caleb Robison, District 7 resident, spoke to the problem of stolen mail, to one of thieves being arrested four times and being let go, and to the need to straighten out priorities and put real criminals in jail instead of people like him being jailed for lesser crimes. Acting President Olivier thanked Mr. Robinson for coming and speaking and stated his office would be in contact with him.

RECESS – 2:53 P.M. – 3:00 P.M.

CLOSED SESSION:

(‘A’) CONFERENCE WITH LABOR NEGOTIATOR – EMPLOYEE ORGANIZATIONS:

- #1 IUOE, STATIONARY ENGINEERS, LOCAL 39 (L39)**
- #2 FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)**
- #3 FRESNO POLICE OFFICERS ASSOCIATION (FPOA BASIC)**
- #4 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF BASIC)**
- #5 AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)**
- #6 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)**
- #7 FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT)**
- #8 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, (IAFF MANAGEMENT)**
- #9 CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)**
- #10 CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)**
- #11 FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)**

The City Council convened in closed session in Room 2125 at the hour of 3:00 p.m. to consider the above matter and the meeting was adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:49 p.m. having arrived and hearing no objection, President Brand declared the meeting adjourned.

Approved on the ___14th___ day of _____April_____, 2011.

_____/s/_____
Lee Brand, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk